

1. How would an alleged **conduct violation** by an athlete (**or any other student**) be investigated? What is the average length of time for investigations into alleged violations?

Violations of the university's disciplinary code are typically investigated by a designated investigator in the university's Office of Student Conduct. The student and any accusers and witnesses are interviewed in person, and additional information and evidence (e.g. video camera footage or electronic communications) is gathered by the investigator where available. The information collected by the investigator is then delivered to the Director of Student Conduct so that s/he can make a decision as to whether to continue to pursue charges.

If a violation involves sexual misconduct, relationship violence, or stalking, a trained Title IX investigator serves as the investigator, and both the student and any accusers are permitted to review a draft investigation report and provide clarifying or supplementary information before the final report is delivered to the Director of Student Conduct.

In cases involving academic integrity, such as suspected cheating or plagiarism, the faculty member making the accusation is responsible for gathering any evidence that supports the allegation and presenting it to the student and, if necessary, a hearing panel .

2. What notice would be provided to the student?

For student conduct cases, the first notification provided to an accused student is the "notification of charges," which is issued within 10 days following receipt of information that a violation might have occurred and prior to any investigation. That notice includes description of the charges, information regarding the conduct procedures, information about potential sanctions, and a statement that the student has a right to be represented by counsel (or another representative of their choosing). Students receive additional notifications about next steps throughout the conduct process.

For academic integrity cases, the faculty member making the accusation will normally meet with the student directly to confront the student with evidence of the violation. Faculty members have the option of presenting a student with a proposed "settlement" that imposes a sanction the faculty member deems appropriate given the nature of the violation. In the event that: (1) the faculty member chooses not to offer a settlement due to the severity of the violation, (2) the student declines to accept the settlement, or (3) the student has a prior academic integrity violation, the faculty member will refer the case to the university's Academic Integrity Board for adjudication. The Academic Integrity Board will send the student notice at least five days in advance of a scheduled hearing indicating the date and time of the hearing and instructions as to how to access the evidence file so the student can prepare his or her defense.

3. Could a student continue to participate in athletics during the investigation, or is this in the school's discretion?

With respect to conduct charges, continued participation is at the coach's discretion, with input and advice from the investigating unit and the Department of Athletics. If the alleged conduct is so severe as to indicate that the student is a threat to the campus community, s/he could be suspended from the university on an interim basis by the Director of Student Conduct. Interim suspension would preclude participation in intercollegiate athletics.

Coaches also have the discretion to suspend a student-athlete's participation in athletics while academic integrity charges are pending. There is no interim suspension process for academic integrity cases, however.

4. Would a hearing be conducted? If so, who would conduct the hearing? Would the student be allowed to present evidence? What burden of proof is used?

For conduct cases, a hearing would be conducted assuming that (1) the Director of Student Conduct continues to pursue charges following receipt of the investigation materials, and (2) the student does not accept responsibility for the charges. For minor cases (cases that could not result in suspension or expulsion), a student hearing panel is typically convened. More complex cases, and any cases involving sexual misconduct, relationship violence, or stalking, are heard in front of a single administrative hearing officer.

For academic integrity cases, hearings are conducted if a faculty member forwards the case to the Academic Integrity Board. The Chair of the Academic Integrity Board is charged with selecting hearing panels from among the members of the Academic Integrity Board, which includes the members of the student government's judicial branch and at least twenty-one full-time faculty members. A hearing panel is comprised one student and two faculty members, and is selected by the Chair on the basis of availability and impartiality.

In both conduct and academic integrity cases, students are permitted to present evidence in the form of personal testimony, witness testimony, and documentary information. The standard of proof is "preponderance of the evidence," or "more likely than not."

5. Would the student have the right to representation during the investigation and hearing? If so, is any representation provided to the student, or must the student provide their own representation?

Except for minor violations referred to a student hearing panel, students have the right to be fully represented in student conduct cases throughout the investigation and hearing process, though such representation is at the student's expense. The university provides each student with a Student Conduct Counselor from whom the student can seek assistance in preparing his or her case. The Student Conduct Counselor also attends the hearing and can provide procedural advice to the student.

For academic integrity cases, the student is permitted to attend the hearing with an individual of his or her choice (including an attorney), but that person's role is limited to conferring with and advising the student, and he or she is not permitted to argue, make statements, or question witnesses.

6. Is there an appeals process of the final determination of the investigation and hearing? If so, who may the decision be appealed to?

For student conduct cases, students can appeal to the university's Provost when the sanction is expulsion and to the Vice Chancellor for Student Affairs for all other cases, including those involving suspension from the university. Suspension and expulsion cases can be further appealed to the university's Board of Trustees.

For academic integrity cases, students can appeal to the university's Provost. The Provost's decision is final unless the student alleges a violation of due process, in which case the decision can be further appealed to the university's Chancellor.

7. If it was determined that a violation occurred, what would be the consequence for the student? If the student was no longer eligible to play as a result of a violation, is there a process for reinstatement of athletic eligibility, and if so, what if that process?

In all cases, students who are suspended or expelled cannot participate in athletics while not enrolled in the university. It is up to an individual coach to determine whether less severe sanctions warrant dismissal from a team, or whether a student-athlete should be reinstated to the team after serving a suspension.

Determinations regarding a student-athlete's NCAA eligibility are separate and distinct from the conduct and academic integrity processes. When a student-athlete is determined to be ineligible based on NCAA rules, the university's Athletics Compliance office is responsible for investigating, gathering facts and submitting a reinstatement request to the NCAA national office staff.